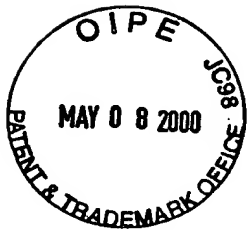


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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE RECEIVED
ON APPEAL FROM THE EXAMINER TO THE BOARD
OF PATENT APPEALS AND INTERFERENCES MAY 11 2000

Group 2700

In re Application of: Patrick J. Sullivan, et al.
Serial No.: 08/889,889
Filing Date: July 8, 1997
Group Art Unit: 2713
Examiner: V. Le
Title: VIDEO SURVEILLANCE SYSTEM AND METHOD

Honorable Assistant Commissioner
for Patents
BOARD OF APPEALS AND INTERFERENCES
Washington, D.C. 20231

I certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on the date shown below.

Esmerie A. Gaddard
Name

May 3, 2000
Date of Signature

Dear Sir:

APPEAL BRIEF

Appellants have appealed to this Board from the decision of the Examiner, contained in a final Office Action mailed July 7, 1999, finally rejecting Claims 1-42. Appellants mailed a Notice of Appeal on October 5, 1999. Appellants respectfully submit this Appeal Brief, in triplicate under 37 C.F.R. § 1.17(c). In addition, Appellants respectfully request a five-month extension of time.

REAL PARTY IN INTEREST

The real party in interest for this Application under appeal is Vizicom Limited.

RELATED APPEALS AND INTERFERENCES

There are no other appeals or interferences known to the Appellant, the undersigned Attorney for Appellant, or the Assignee that will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

STATUS OF CLAIMS

Claims 1-42 were rejected in the final Office Action mailed July 7, 1999. Claims 1-42 are all presented for appeal and are set forth in the Appendix.

STATUS OF AMENDMENTS

Appellant filed no amendments after the Final Office Action mailed July 7, 1999.

SUMMARY OF INVENTION

A system for capturing and presenting video and data from a financial transaction includes a client that performs the financial transaction, generates the video and data, and then transmits the video and data to a server using a communications network. *See*, page 8, lines 1-8; page 16, lines 1-26; Fig. 1. In addition, the client may store files containing captured video and data from one or more financial transactions in a local database and then transmit this information to the server at appropriate times. *See*, page 10, lines 18-22; page 14, line 4 to page 15, line 2. The server receives and displays the data and video from the client. *See*, page 8, lines 9-12; page 17, lines 6-11. A single server may receive video and data from multiple clients, and furthermore, the server may store the information from the clients in a centralized database. *See*, page 10, lines 21-26. In addition, the server may have a graphical user interface (GUI) that provides various analytical and reporting functions for processing information from the clients. *See*, page 10, line 26 to page 11, line 2; page 18, lines 11-19. This system may be used with any suitable electronic device generating data from a financial transaction, such as an automated teller machine (ATM) or point-of-sale (POS) device. *See, e.g.*, page 8, lines 13-18.

ISSUE

Whether under 35 U.S.C. § 102(e) Claims 1-42 are anticipated by U.S. Patent No. 5,585,839 to Ishida et al. ("*Ishida*").¹

GROUPING OF CLAIMS

Pursuant to 37 C.F.R. § 1.192(c)(7), Appellant requests that the following claims be grouped together for purposes of this appeal:

1. Group 1: Claims 1-21. Claims 1-21 may be deemed to stand or fall together for purposes of this appeal.

2. Group 2: Claims 22-32. Claims 22-32 recite additional and separately patentable limitations that are not recited in independent Claims 1 and 11 and not disclosed, taught, or suggested in the prior art. In particular, Claim 22 recites a system having a "client operable to accumulate and store the data and video as a digital file." Claims 23-32 depend on Claim 22. Thus, Claims 22-32 are patentable over the prior art whether or not Claims 1-21 are patentable. Claims 22-32 may be deemed to stand or fall together for purposes of this appeal.

3. Group 3: Claims 33-42. Claims 33-42 recite additional and separately patentable limitations that are not recited in Claims 1-32 and not disclosed, taught, or suggested in the prior art. In particular, Claim 33 recites "accumulating generated data and video for multiple financial transactions; storing the accumulated data and video as a digital file until the client connects to the server; [and] transmitting the digital file using a communications network upon connection of the client and the server." Claims 34-42 depend on Claim 33. Thus, Claims 33-42 are patentable over the prior art whether or not Claims 1-32 are patentable. Claims 33-42 may be deemed to stand or fall together for purposes of this appeal.

¹ In addition, the Examiner provisionally rejects Claims 1-4, 11-14, 22-25 and 33-36 under the judicially created doctrine of double patenting over Claims 1-4 and 11-15 of co-pending application 08/677,513. Appellant will file a proper terminal disclaimer necessary to overcome this rejection when the cases progress to issue.

ARGUMENT

The Examiner rejects Claims 1-42 under 35 U.S.C. § 102(e) as being anticipated by *Ishida*. To anticipate a claim under 35 U.S.C. § 102(e), a single prior art reference must teach each and every limitation as set forth in the claim.

Group 1

Claim 1, as last amended, recites:

A video surveillance system, comprising:

a client operable to perform a financial transaction, the client further operable to generate data from the financial transaction, the client having a camera operable to generate video of the financial transaction, the client operable to transmit the data and video using a communications network; and

a server coupled to the client using the communications network, the server operable to receive the data and video from the client and to display the video and data in real-time.

Nowhere does *Ishida* disclose or illustrate “a client operable to perform a financial transaction, the client further operable to generate data from the financial transaction, the client having a camera operable to generate video of the financial transaction, the client operable to transmit the data and video using a communications network.” Rather, *Ishida* discloses a video conversation/monitoring system providing communications between a user at an end station and a guide at a center station. Through the system, a user may make inquiries to the guide and receive information, such as maps. *See, e.g., Ishida* Column 6, lines 2-39. *Ishida* further discloses various locations that may be appropriate for the disclosed “guidance service systems,” such as public facilities, post offices, and other sites. *See Ishida*, Column 17, lines 52-65. In particular, *Ishida* illustrates a guidance service system co-located with an ATM. *See Ishida*, Figures 2 and 19. The Examiner asserts that the monitoring camera of *Ishida* can generate video associated with a financial transaction performed by the ATM shown in the figures and discussed at Column 5, line 55. However, Appellant’s Claim 1 recites, in part, “a client operable to perform a financial transaction, the

client further operable to generate data from the financial transaction, [and] the client having a camera operable to generate video of the financial transaction.” While *Ishida* may capture video “associated with the financial transaction,” Appellant’s client “generate[s] data from the financial transaction.” Thus, *Ishida* fails to disclose, teach, or suggest all the limitations of Claim 1.

The Examiner also asserts that *Ishida* shows the “client operable to transmit the data and video.” In support, the Examiner refers to Column 5, through Column 6, line 56 of *Ishida*. This section details the physical components of *Ishida*’s system, and while an ATM is discussed at Column 5, line 55, *Ishida* shows no connection or cooperation between the ATM and the communications network or server. Rather, *Ishida* merely suggests that the guidance service system may be co-located in a number of different sites, including an illustration of a room with a functionally separate ATM. The limitations of Claim 1 require, “a client operable to perform a financial transaction, the client further operable to generate data from the financial transaction, the client having a camera operable to generate video of the financial transaction, the client operable to transmit the data and video using a communications network.” *Ishida* fails to disclose any communications or connectivity between any financial devices and the guidance service system. Therefore, *Ishida* fails to disclose a client operable to transmit video and data from a financial transaction using a communications network.

Column 7, line 38 to Column 8, line 50 of *Ishida* makes clear the types of data communicated between end stations and center stations. The data, as detailed in this section, do not relate to any financial data generated by the ATM. Rather, as clearly indicated in the section referred to by the Examiner, the data are control data signals. *See Ishida*, Column 7, line 42). As described, these data merely include information such as “control signals for operating the audio signal switch circuit 26 and video signal switch circuit 25.” *See Ishida*, Column 7, lines 63-65. Therefore, *Ishida* fails to disclose, teach, or suggest all of the limitations of independent Claim 1. Because Claims 2-21 include similar limitations, Appellant respectfully requests that the Board reconsider and reverse the Examiner’s rejection of Claims 1-42.

Group 2

As stated previously, Claims 22-32 recite additional and separately patentable limitations that are not recited in independent Claims 1 and 11 and not disclosed, either expressly or inherently, in the cited prior art. Claim 22, as last amended, recites:

A video surveillance system, comprising:

a client operable to perform a financial transaction, the client operable to generate data from the financial transaction, the client having a camera operable to generate video of the financial transaction, the client operable to accumulate and store the data and video as a digital file, the client operable to transmit the digital file across a communications network; and

a server coupled to the client using the communications network, the server operable to receive the digital file upon connection with the client, and to display the video and data.

Claim 22 includes a “client operable to accumulate and store the data and video as a digital file, the client operable to transmit the digital file across a communications network.” An analysis of *Ishida* reveals that it fails to disclose or illustrate any elements for accumulating and storing digital information at the end station terminals. Without such elements, *Ishida* cannot anticipate a limitation to “accumulate and store the data and video as a digital file,” irrespective of the type of data and video stored as a digital file. *Ishida*, at Column 6, lines 26-29, discloses the use of a video tape recorder (VTR) to record the video feed from a monitoring camera. However, this VTR does not provide for accumulation and storage of data and video as a digital file. Furthermore, *Ishida* fails to disclose communicating any information captured by the VTR from the end station terminals to the center station.

The Examiner states that, during processing and communications, information will pass through various components, including buffers, and claims that the buffering of information anticipates an element requiring a client to “accumulate and store the data and video as a digital file.” However, it is neither disclosed nor inherent that a temporary buffer will accumulate and store related data and video as a digital file. Hence, *Ishida* fails to

disclose, teach, or suggest a “client operable to accumulate and store the data and video as a digital file.” Therefore, Appellant respectfully requests the Board to reconsider and reverse the Examiner’s rejection of Claims 22-32.

Group 3

As discussed above, Claims 33-42 recite additional and separately patentable limitations that are not recited in Claims 1-32 and not disclosed, either expressly or inherently, in the cited prior art. Claim 33, as last amended, recites:

A video surveillance method, comprising:

- performing a financial transaction;
- generating data from the financial transaction;
- generating video of the financial transaction;
- accumulating generated data and video for multiple financial transactions;
- storing the accumulated data and video as a digital file until the client connects to the server;
- transmitting the digital file using a communications network upon connection of the client and the server;
- receiving the data and video at a server; and
- presenting data and video on a display at the server.

Claim 33 includes the steps of “accumulating generated data and video for multiple financial transactions” and “storing the accumulated data and video as a digital file until the client connects to the server.” As discussed with respect to Claim 22, *Ishida* fails to disclose or illustrate any elements for accumulating and storing digital information at end station terminals. Without such elements, *Ishida* cannot anticipate limitations of “accumulating generated data and video for multiple financial transactions; storing the accumulated data and video as a digital file until the client connects to the server; [and] transmitting the digital file using a communications network upon connection of the client and the server.” Therefore, Appellant respectfully requests the Board to reconsider and reverse the Examiner’s rejection of Claims 33-42.

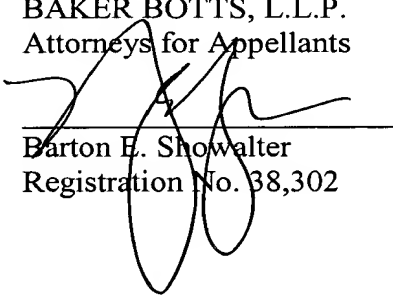
CONCLUSION

Appellant has demonstrated that the present invention, as claimed in Claims 1-42, is patentably distinct from the cited prior art. Accordingly, Appellant respectfully requests that the Board reverse the final rejection of the Examiner and instruct the Examiner to issue a Notice of Allowance of Claims 1-42 as last amended.

Appellant encloses a check in the amount of \$150.00 to cover the fee for this Appeal Brief and a check in the amount of \$925.00 to cover the five-month extension of time. The Commissioner is hereby authorized to charge any extra fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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APPENDIX-CLAIMS PRESENTED ON APPEAL

1. A video surveillance system, comprising:
a client operable to perform a financial transaction, the client further operable to generate data from the financial transaction, the client having a camera operable to generate video of the financial transaction, the client operable to transmit the data and video using a communications network; and
a server coupled to the client using the communications network, the server operable to receive the data and video from the client and to display the video and data in real-time.
2. The system of Claim 1, wherein the client comprises a point-of-sale device and the financial transaction comprises the sale of an item.
3. The system of Claim 1, wherein the client comprises an automated teller machine and the financial transaction comprises a cash withdrawal.
4. The system of Claim 1, wherein the client comprises a microphone operable to generate audio of the financial transaction, the client operable to transmit data, video, and audio over the communications network.
5. The system of Claim 1, wherein the server forms a data window from the data and a video window from the video and overlays the data window on the video window.
6. The system of Claim 1, wherein the server presents data from a plurality of financial transactions as a plurality of data windows, presents video from a plurality of video sources as a plurality of video windows, and associates the data windows with the corresponding video windows.
7. The system of Claim 6, wherein the server receives user input to specify one of the data windows to display the video window associated with the specified data window.

8. The system of Claim 6, wherein the server associated with the financial transaction automatically switches the video window to the video associated with the data in response to the presence or content of data.

9. The system of Claim 6, wherein the server displays the appropriate video window and data window upon changes in one of the plurality of video windows.

10. The system of Claim 1, wherein the client stores accumulated data and video of the financial transaction and transmits the data and video when the client communicates with the server.

11. A video surveillance method, comprising:
performing a financial transaction;
generating data from the financial transaction;
generating video of the financial transaction;
transmitting data and video in real-time from a client using a communications network;
receiving the data and video at a server using a communications network; and
presenting data and video on a display at the server.

12. The method of Claim 11, wherein the client comprises a point-of-sale device and the financial transaction comprises the sale of an item.

13. The method of Claim 11, wherein the client comprises an automated teller machine and the financial transaction comprises a cash withdrawal.

14. The method of Claim 11, further comprising the steps of:
generating audio of the financial transaction; and
transmitting the audio to the server.

15. The method of Claim 11, wherein the step of presenting comprises:
presenting data in a data window as a representation of the financial transaction;
presenting video in a video window; and
overlaying the data window on the video window.

16. The method of Claim 11, wherein the step of presenting comprises:
presenting data as a plurality of data windows associated with a plurality of financial transactions;
presenting video as a plurality of video windows associated with a plurality of video sources; and
associating the data window with the corresponding video window.

17. The method of Claim 16, further comprising the step of updating the video window and the data window in response to the presence or content of the data in one of the plurality of data windows.

18. The method of Claim 16, further comprising the step of updating the video window and the data window in response to a change in one of the plurality of video windows.

19. The method of Claim 16, further comprising the steps of:
receiving a user selection; and
updating the video window and the data window in response to the selection.

20. The method of Claim 11, further comprising the steps of:
storing accumulated financial data and associated video in a digital file at the client;
transmitting the digital file from the client to the server upon connection of the client to the server.

21. The method of Claim 20, wherein the digital file contains financial records accumulated since last connection.

22. A video surveillance system, comprising:

a client operable to perform a financial transaction, the client operable to generate data from the financial transaction, the client having a camera operable to generate video of the financial transaction, the client operable to accumulate and store the data and video as a digital file, the client operable to transmit the digital file across a communications network; and

a server coupled to the client using the communications network, the server operable to receive the digital file upon connection with the client, and to display the video and data.

23. The system of Claim 22, wherein the client comprises a point-of-sale device and the financial transaction comprises the sale of an item.

24. The system of Claim 22, wherein the client comprises an automated teller machine and the financial transaction comprises a cash withdrawal.

25. The system of Claim 22, wherein the client comprises a microphone operable to generate audio of the financial transaction, the client operable to transmit data, video, and audio over the communications network.

26. The system of Claim 22, wherein the server forms a data window from the data and a video window from the video and overlays the data window on the video window.

27. The system of Claim 22, wherein the server presents data from a plurality of financial transactions as a plurality of data windows, presents video from a plurality of video sources as a plurality of video windows, and associates the data windows with the corresponding video windows.

28. The system of Claim 27, wherein the server receives user input to specify one of the data windows to display the video window associated with the specified data window.

29. The system of Claim 27, wherein the server associated with the financial transaction automatically switches the video window to the video associated with the data in response to the presence or content of data.

30. The system of Claim 27, wherein the server displays the appropriate video window and data window upon changes in one of the plurality of video windows.

31. The system of Claim 22, wherein the client stores accumulated data associated with the financial transaction and transmits the data when the client communicates with the server.

32. The system of claim 22, wherein the server displays the digital file based on a configuration file.

33. A video surveillance method, comprising:
performing a financial transaction;
generating data from the financial transaction;
generating video of the financial transaction;
accumulating generated data and video for multiple financial transactions;
storing the accumulated data and video as a digital file until the client connects to the server;
transmitting the digital file using a communications network upon connection of the client and the server;
receiving the data and video at a server; and
presenting data and video on a display at the server.

34. The method of Claim 33, wherein the client comprises a point-of-sale device and the financial transaction comprises the sale of an item.

35. The method of Claim 33, wherein the client comprises an automated teller machine and the financial transaction comprises a cash withdrawal.

36. The method of Claim 33, further comprising the steps of:
generating audio of the financial transaction; and
transmitting the audio to the server.

37. The method of Claim 33, wherein the step of presenting comprises:
presenting data in a data window as a representation of the financial transaction;
presenting video in a video window; and
overlaying the data window on the video window.

38. The method of Claim 33, wherein the step of presenting comprises:
presenting data as a plurality of data windows associated with a plurality of financial transactions on a display at the server;
presenting video as a plurality of video windows associated with a plurality of video sources on a display at the server; and
associating the data window with the corresponding video window.

39. The method of claim 38, further comprising the step of updating the video window and the data window in response to the presence or content of the data in one of the plurality of data windows.

40. The method of Claim 38, further comprising the step of updating the video window and the data window in response to a change in one of the plurality of video windows.

41. The method of Claim 38, further comprising the steps of:
receiving a user selection; and
updating the video window and the data window in response to the selection.

42. The method of Claim 33, wherein the digital file contains financial records accumulated since last connection.